

Senate; that if the Senate receives a message from the House with respect to any of these bills, the Senate then proceed to the House message; that the Senate disagree to the House amendment or amendments, agree to the request for a conference on the disagreeing votes of the two Houses, or request a conference with the House on the disagreeing votes of the two Houses; and that the Chair be authorized to appoint conferees with the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. TORRICELLI. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, sometimes seemingly small issues take on a great significance in large debates. I raised the prospect of objecting to going to conference on this bill because of an issue that both in my State and potentially in my country looms very large.

A week ago, I raised with the committee my concerns that because of a merger by General Dynamics and another corporation, the United States of America is being left with one producer of smokeless gunpowder. One. One plant, one company, one location.

It is a highly volatile matter. Aside from the questions of what this does to the competitiveness for cost for the Pentagon, the waste it may produce, there is the danger of loss of production.

I remind my colleagues this is what fuels the TOW missile, hundreds of which are probably now making their way to the Middle East for antitank operations; our strategic forces with the Trident, the Hellfire missile that is used from aircraft and helicopters, one manufacturer.

It is my understanding the Pentagon is now considering acquiescing to an action by the Federal Trade Commission because of concerns about what this will do to government costs, monopoly status, safety and quality for what is a matter of great significance to our Armed Forces.

It was my hope and intention to include an amendment in the legislation that would have put the Senate on record that indeed the Federal Trade Commission should investigate and, if appropriate, take the proper action.

In my judgment, the right action is for the Pentagon to indeed ensure there are two suppliers and to divide the contract as we do with so many other items that are important for national security.

Because of the cloture vote, I could not include this amendment in the legislation, but it is my understanding the Secretary of Defense has now decided on the merits, on his own volition, to accede to the Federal Trade Commission.

I inquire of the chairman of the committee his understanding of this action

and whatever actions he might be taking in coming days in regard to this concern.

Mr. LEVIN. I thank my friend from New Jersey for a number of things: First, for voting for cloture in a very difficult situation where he had an amendment about which he feels so strongly, which I happen to support. The amendment was also, of course, co-sponsored by Senators CARPER and CORZINE. Even though this amendment would not be in order after the cloture vote, the stakes were so great in terms of the Nation's security to get this bill passed that we had a strong vote for cloture nonetheless. This was true of the Senator from New Jersey and a number of other Senators who knew their amendments would not be in order if cloture, in fact, were invoked. I thank him for putting that need of this Nation so high that even though this amendment which is so important then could not be made germane, nonetheless cloture was voted for.

We understand the Defense Department is going to express a view on this matter to the Federal Trade Commission, if it has not already done so, within the next few days. While I am not in a position to take a position on the merits because I do not know enough about the merits, and I would not do it anyway, I nonetheless believe it is important that the Department of Defense express itself, as the Senator's amendment provided for, since the amendment simply said it was the sense of the Senate the Department of Defense should express its views on the antitrust implications of the joint venture described in subsection A to the FTC not later than 30 days after enactment.

I felt that was a very reasonable approach. It did not weigh in on the merits. It simply said this matter was so important the Defense Department should express its views.

The Senator has my assurance that if for any reason the Defense Department does not express its views to the FTC before we complete conference, or if it has not already done so, I would take whatever steps I could to make sure that, in fact, it does so before we bring back the conference report to the Senate.

Mr. TORRICELLI. Reclaiming my time, I thank the chairman of the committee, Senator LEVIN, for his consideration and his support. I believe the Secretary of Defense will make a proper communication to the Federal Trade Commission. If for any reason he does not, I am very grateful the chairman of the committee will express his own views at the appropriate time.

Obviously, if this is not successful in conference with this matter, we will return on the appropriations bill. What matters most is not simply the Greentree Chemicals and these few hundred people in Parlin, NJ, and those who work in Delaware. They matter to me and they matter to me enormously. More significantly, at a time when we

have seen the vulnerability of our country and at a time of national emergency, the Nation, for principal defense items, cannot either on this specific item or speaking more broadly in national defense generally ever limit itself to single suppliers or create choke points in supplying our Armed Forces.

Today I am rising on behalf of a small company in New Jersey, but tomorrow it could be somebody in any city in any State in America. The principle still stands. We live in an age of terrorism, and even if we did not, we live in a time where simple industrial accidents cannot impair the ability of our country to supply ourselves or our Armed Forces.

I thank the Secretary of Defense for the action he has promised with the Federal Trade Commission, and I am particularly grateful to the Senator from Michigan for his own statement of support.

I withdraw my objection.

The PRESIDING OFFICER. Is there any further objection? Without objection, it is so ordered.

DEPARTMENT OF ENERGY NATIONAL SECURITY ACT FOR FISCAL YEAR 2002

The bill (S. 1417) to authorize appropriations for fiscal year 2002 for defense activities of the Department of Energy, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

(See Division C of S. 1438, which will be printed in a future edition of the RECORD.)

MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 2002

The bill (S. 1418) to authorize appropriations for fiscal year 2002 for military construction, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

(See Division B of S. 1438, which will be printed in a future edition of the RECORD.)

DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR THE FISCAL YEAR 2002

The bill (S. 1419) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

(See Division A of S. 1438, which will be printed in a future edition of the RECORD.)

Mr. LEVIN. Mr. President, I ask unanimous consent that S. 1438, as